

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

JUDICIAL WATCH, INC.,  
425 Third Street, SW, Suite 800  
Washington, DC 20024,

Plaintiff,

v.

UNITED STATES DEPARTMENT  
OF HOUSING AND  
URBAN DEVELOPMENT,  
451 Seventh Street, S.W.  
Washington, DC 20410,

Defendant.

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Civil Action No.

**COMPLAINT**

Plaintiff Judicial Watch, Inc. brings this action against Defendant United States Department of Housing and Urban Development to compel compliance with the Freedom of Information Act, 5 U.S.C. § 552 ("FOIA"). As grounds therefor, Plaintiff alleges as follows:

**JURISDICTION AND VENUE**

1. The Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331.
2. Venue is proper in this district pursuant to 28 U.S.C. § 1391(e).

**PARTIES**

3. Plaintiff is a non-profit, educational foundation organized under the laws of the District of Columbia and having its principal place of business at 425 Third Street, S.W., Suite 800, Washington, D.C. 20024. Plaintiff seeks to promote integrity, transparency, and

accountability in government and fidelity to the rule of law. In furtherance of its public interest mission, Plaintiff regularly requests access to the public records of federal, state, and local government agencies, entities, and offices, and disseminates its findings to the public.

4. Defendant is an agency of the United States Government and is headquartered at 451 Seventh Street, S.W., Washington, D.C. 20410. Defendant has possession, custody, and control of records to which Plaintiff seeks access.

#### **STATEMENT OF FACTS**

5. On or about April 4, 2012, Plaintiff submitted a FOIA request to Defendant seeking access to certain public records. Plaintiff also requested a waiver of search fees and duplication costs.

6. On or about May 3, 2012, Defendant acknowledged receipt of Plaintiff's request and assigned the request FOIA No. 12-FI-HQ-01490.

7. On or about June 11, 2012, Defendant denied Plaintiff's request for a fee waiver and informed Plaintiff that Defendant required payment of \$1,024.43 before releasing any responsive records.

8. On or about June 21, 2012, Plaintiff administratively appealed Defendant's denial of Plaintiff's request for a fee waiver.

9. On or about July 23, 2012, Defendant denied Plaintiff's administrative appeal of Defendant's denial of Plaintiff's request for a fee waiver.

10. On or about July 31, 2012, Plaintiff sent Defendant a check in the amount of \$1,024.43 to cover the cost of search and duplication fees.

11. Despite payment in full of the search and duplication fees assessed by Defendant and despite repeated inquiries from Plaintiff about the status of its request, Defendant has failed to produce any responsive records to Plaintiff.

**COUNT 1**  
**(Violation of FOIA, 5 U.S.C. § 552)**

12. Plaintiff realleges paragraphs 1 through 11 as if fully stated herein.

13. Defendant is unlawfully withholding records requested by Plaintiff pursuant to 5 U.S.C. § 552.


14. Plaintiff is being irreparably harmed by reason of Defendant's unlawful withholding of requested records, and Plaintiff will continue to be irreparably harmed unless Defendant is compelled to conform their conduct to the requirements of the law.

WHEREFORE, Plaintiff respectfully requests that the Court: (1) order Defendant to conduct a search for any and all responsive records to Plaintiff's April 4, 2012 FOIA request and demonstrate that it employed search methods reasonably likely to lead to the discovery of all records responsive to Plaintiff's FOIA request; (2) order Defendant to produce, by a date certain, any and all non-exempt records responsive to Plaintiff's FOIA request and a *Vaughn* index of any responsive records withheld under claim of exemption; (3) enjoin Defendant from continuing to withhold any and all non-exempt records responsive to Plaintiff's FOIA request; (4) grant Plaintiff an award of attorneys' fees and other litigation costs reasonably incurred in this action pursuant to 5 U.S.C. § 552(a)(4)(E); and (5) grant Plaintiff such other relief as the Court deems just and proper.

Dated: November 2, 2012

Respectfully submitted,

JUDICIAL WATCH, INC.

A handwritten signature in black ink, appearing to read "Paul J. Orfanedes", written over a horizontal line.

Paul J. Orfanedes

D.C. Bar No. 429716

425 Third Street, SW, Suite 800

Washington, DC 20024

(202) 646-5172

*Attorneys for Plaintiff*